

## **REMARKS**

This paper is in response to the Final Office Action of May 6, 2010, the term to respond extends to August 6, 2010. Reconsideration is respectfully requested in view of these clarifying amendments and remarks.

### **Claim Summary**

Claims 1-6, 8-13, 15-17, and 24-26 are pending, with claims 1, 9, 24, and 25 being independent. Claims 7, 14, and 18-23 have been cancelled. Claims 1, 8, 9, 17, and 24 have been amended. Claims 25, 26 have been added.

### **Rejections under Section 112, Second Paragraph**

Claims 1-6, 8-13, 15-17, and 24 have been rejected under 35 U.S.C. 112, second paragraph. Applicant respectfully asserts that such rejections have been addressed by the amendments to claims 1, 9, and 24 submitted hereinabove.

### **Rejections under 35 USC § 103(a)**

Claims 1-6, 8-13, 15, 16, and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al. (US Patent No. 7,020,636), in view of Maritzen et al. (U.S. Publication No. 2002/0184500).

Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori and Maritzen and further in view of Ginter et al. (U.S. Patent No. 5,892,900).

These rejections are respectfully traversed. Applicants respectfully request reconsideration of these rejections in light of the amendments and arguments contained herein.

1. The prior art does not teach that the client device is connected to a communication network and receives the digital authentication ticket via the communication network

Present claim 24 specifies communicating with a server through a wireless device, where the client device is connected to a communication network and obtains the digital authentication ticket via the communication network and the client device is capable of obtaining the digital authentication ticket anywhere the client device has access to the communication network. The Office has identified COMMUNICATION LINE 60 in Fig. 11 to teach that the client device obtains the ticket via the communication network. Applicants have amended claim 24 to clarify that the wireless device is connected to the communication network. As seen in Figure 11 of Ohmori, Shop Apparatus 10 is connected to COMMUNICATION LINE 60, but the wireless device is not connected to COMMUNICATION LINE 60. Further, a person skilled in the art would readily appreciate that a point-to-point communication line is not considered a network, as a network interconnects a collection of computing devices. For all these reasons, the prior art does not teach the aforementioned feature.

2. The prior art does not teach the particular media content is received **wirelessly** by the game console **separately** from the digital authentication ticket

Claim 24 specifies transmitting wirelessly the digital authentication ticket from the wireless device to a game console having particular media content that is locked, wherein the particular media content is received by the game console separately from the digital authentication ticket.

The Office has identified the following excerpt from Ohmori to teach wireless communication:

“Also, the present invention may be realized by the computer programs or the digital signals being transmitted via an electric communication line, a wireless or cable communication line, or a network such as the Internet” (col. 27, lines 22-25).

Applicants respectfully assert that this vague boilerplate statement does not teach that the client device is capable of wireless communication. For example, Ohmori teaches “a portable semiconductor memory owned by the user” (Abstract); “[t]he rental-shop apparatus writes the content decryption key to the semiconductor memory” (Abstract); “the user mounts (inserts) the semiconductor memory and the storage medium on (in) the reproduction apparatus” (col. 2, lines 60-62); “the rental-shop apparatus that securely writes right information into the area of the semiconductor memory” (col. 3, lines 29-31); “the IC card 20 is a computer system that is roughly composed of a microprocessor, a ROM, and a RAM” (col. 12, lines 46-47); “an external device on which the IC card 20 is mounted” (col. 13, lines 22-23); etc. Ohmori teaches that the IC card is mounted, but Ohmori is silent in reference to teaching that the IC card has wireless capabilities. Thus, Ohmori does not teach transmitting wirelessly the digital authentication ticket from the wireless device, as claimed by Applicants.

Further, Ohmori teaches that the media is obtained at the rental-shop and that the rental-shop apparatus stores a content decryption key (see col. 2, lines 37-67). The media and the decryption key are both obtained at the rental-shop apparatus and at the same time. Therefore, the particular media content is not received by the game console separately from the digital authentication ticket because they are both obtained at the rental-shop and at the same time. In addition, the Office has referred to the teachings of Maritzen and has indicated that Maritzen teaches “the digital code being separate from the particular computer readable content” (page 5, 4<sup>th</sup> para.). Applicants respectfully disagree. Maritzen teaches that “[t]he system described herein also provides a distribution functionality 130 whereby products purchased via the system are distributed” (para. [0036]). Maritzen teaches that different types of products can have a different distribution channels. However, Maritzen is silent in

reference to using two distribution channels separately to send a digital code and particular computer readable content. Maritzen teaches different distribution channels, but not using several channels in regards to the same transaction, and more particularly to send media in one channel and authentication on a different channel. Thus, Maritzen does not teach the aforementioned feature either.

3. The prior art does not teach to allow access to the particular media content at the game console when the digital authentication ticket unlocks the particular media content

Present claim 24 specifies allowing access to the particular media content at the game console when the digital authentication ticket unlocks the particular media content. Further, claim 24 specifies receiving the digital authentication ticket at the wireless device. The Office has asserted that Ohmori teaches this feature in “DECRYPT ENCRYPTED CONTENT USING TITLE KEY, step S164, Fig. 10” (page 4, third para., emphasis added). Applicants respectfully disagree. Ohmori teaches that “the control unit 104 outputs the title ID, the rental end date, and the encrypted title key to the IC card 20.” Therefore, the IC card receives the encrypted title key. As seen in Figure 10 in operation S174, the IC card sends a title key to the DVD player in operation S174. However, an encrypted title key is different from a title key, and the IC card never receives a title key because it is calculated by the IC card. Since the DVD player does not unlock the content using the encrypted title key received by the IC card, Ohmori does not teach the aforementioned feature.

4. The prior art does not teach that the digital authentication ticket is transmitted wirelessly from a payment server to the client device

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, claim 8 specifies that the digital authentication ticket is transmitted wirelessly from a payment server to the client device. As previously discussed, Ohmori does not teach wireless capabilities in the IC card. Thus, the IC card cannot receive the digital authentication ticket from the payment server.

### **New Claims**

New claims 25 and 26 have been added to further define one embodiment of the present invention. The claims are fully supported in the present application and drawings as originally filed. No new matter has been added.

### **Conclusion**

Independent claims 1, 9, 25, and 26 are believed to be patentable for at least the same reasons that claim 24 is believed to be patentable. In view of the foregoing, the Office is requested to withdraw the rejection of claims 1, 8, 9, and 25 under §103. Applicants respectfully request that the rejections of dependent claim 17 be withdrawn, as the added reference does not cure the deficiencies in the rejections of the independent claims. The remaining dependent claims are submitted to be patentable for at least the same reasons that the independent claims are believed to be patentable. The Applicants therefore respectfully request reconsideration and allowance of the pending claims. A Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No.SONYP026). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

/Albert S. Penilla/

Albert S. Penilla, Esq.  
Reg. No. 39,487

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900  
Facsimile: (408) 749-6901